

Application No. 10/536,553
Paper Dated: May 19, 2011
In Reply to USPTO Correspondence of January 19, 2011
Attorney Docket No. 3135-051655

REMARKS

The Office Action of January 19, 2011 has been reviewed and the Examiner's comments carefully considered. Claims 16-18, 20-22, 25, and 27-30 are pending in this application and claims 16 and 25 are in independent form. Claim 16 has been amended by way of this Amendment and no new matter has been added. It is noted that the Examiner's comments and suggestions during the Interview are appreciated and were considered for the purposes of this Amendment.

Rejections Under 35 U.S.C. § 103:

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 97/40624 to Ely (hereinafter "the Ely publication") in view of U.S. Patent Application Publication No. 2004/0101166 to Williams et al. (hereinafter "the Williams publication") in further view of U.S. Patent No. 6,632,232 to Trajkovic et al. (hereinafter "the Trajkovic patent").

In the Interview, the Examiner noted that it was unclear how the behavior was detected. In response to the Examiner's suggestions, claim 16 has been amended to provide clarification for the detection means feature. Specifically, claim 16 was amended to specify that the detection means is configured to observe behavior of the operator of the *control means*, and that the detection means is arranged in the control room. This amendment is supported by paragraph [0007] of the application which describes this feature. It is believed that this amendment clarifies that the detection means is configured to observe behavior of the operator of the control means. Further, it is believed that this amendment, together with the remaining features present in this claim, places claim 16, as well as dependent claims 17, 18, and 20-22, in condition for allowance.

During the Interview, the Examiner also mentioned that "detection means" could include a broad variety of devices such as computer peripherals. It is noted that the claim includes the word "observe," which refers to visual or other sensory perception. Further, claim 16 was amended to clarify that the detection means is arranged in the control room.

It is noted that the Examiner quoted claim 16 as including "detection means configured to observe behavior of the system." The actual language of claim 16, prior to this

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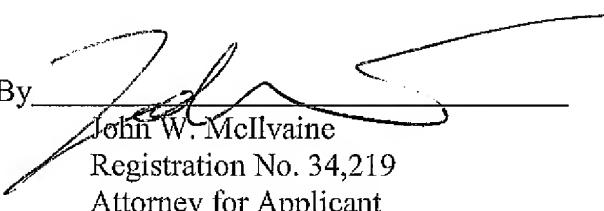
Amendment, stated “detection means configured to observe behavior *of the operator* of the system” (emphasis added). It is further noted that accessing the Internet, as the Examiner suggests, is not the basis for the historical information present in the Trajkovic patent. In the Trajkovic patent, the historical data relates to visitor crowd density and the observation of people in the public domain rather than observation of the behavior of the operator.

Claim 25 stands rejected under 35 U.S.C. § 103(a) without explanation aside from the Examiner’s contention that arguments analogous to those presented for claim 16 are applicable for claim 25. However, as explained in the Interview, it is believed that claim 25, as well as dependent claims 27-30, are in condition for allowance without amendment. Claim 25 contains a feature where the information selected by the operator is stored in relation to a selection behavior applied for this purpose by the operator. This feature is not present in claim 16 and, therefore, any arguments made in regard to claim 16 are not applicable to claim 25. It is noted that, in the Interview, the Examiner agreed that this feature was not present in claim 16.

For the foregoing reasons, it is believed that claims 16-18, 20-22, 25, and 27-30, as amended, are patentable over the cited prior art and in condition for allowance. Reconsideration of the rejections and allowance of all pending claims are respectfully requested.

Respectfully submitted,

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